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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,694

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Brian Bennie

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28549

7590

02/09/2005

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EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,694	BENNIE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tai T. Nguyen	2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by DeZorzi (US 6,232,875).

**Regarding claim 1**, DeZorzi discloses a method for monitoring a tire condition comprising the steps of:

measuring a vehicle speed (164, figure 5; col. 12, line 65 through col. 13, line 15);

starting a timer (153, figure 5; col. 11, lines 58-65);

receiving a tire identification (figure 1; col. 3, lines 55-60 and 174, figure 5; col. 13, lines 33-48); and

setting a tire status corresponding to the tire identification to a rolling status, pending rolling status, a spare, and a pending spare in response to the timer and vehicle speed (figure 5, steps 156, 166, 168, 172, 174, and 176).

**Regarding claim 6**, DeZorzi discloses the timer comprising a countdown timer (col. 11, lines 8-25).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeZorzi (US 6,232,875).

**Regarding claims 3-4**, DeZorzi discloses the instant claimed invention except for the tire rolling status being set to "spare" upon lack of receipt of status messages therefrom. Since only the spare tire would not have rolling status, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the tire status would be set to "spare" upon lack of receipt of status messages in order to indicate which tire does not currently have a rolling status.

**Regarding claim 5**, DeZorzi discloses the timer being reset upon detection of a "spare" status (figure 5, steps 166, 168, 153).

**Regarding claims 7-9**, DeZorzi discloses the control process for each tire module, upon detection of motion, clearing all registers, initializing all parameters, calibrating the system, setting all flag conditions to appropriate starting values, and storing the received data in appropriate memory (73, col. 8, line 64 through col. 9, line

26, and col. 6, lines 56-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the values received upon the initiation process of the module in memory for the purpose of providing identification of each module.

**Regarding claim 10**, refer to claims 1 and 3-5 above.

**Regarding claim 11**, refer to claim 6 above.

**Regarding claims 12-13**, refer to claims 7-9 above.

**Regarding claims 14-15**, refer to claim 1 above, DeZorzi further discloses providing a warning status based on predetermined parameters (col. 9, lines 27-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a warning status be provided in order to indicate a fault condition.

**Regarding claims 16-17**, refer to claims 1 and 3-4 above.

**Regarding claims 18-19**, DeZorzi further discloses an indicator being reset in response to the spare tire achieving “rolling status” (figure 5, steps 168 and 153).

**Regarding claim 20**, refer to claims 14-15 above and col. 15, lines 20-31.

### ***Allowable Subject Matter***

5. Claim 2 is would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed October 18, 2004 have been fully considered but they are not persuasive.

a. Applicant argues that DeZorzi does not teach or suggest measuring a vehicle speed. Examiner does not agree. Applicant has merely claimed a measurement of vehicle speed. As acknowledged by applicant, DeZorzi teaches the speed measurement being a motion signal that is indicative of movement of the vehicle at or above a predetermined vehicle speed. DeZorzi's measurement is indicative of surpassing a particular vehicle speed rather than the actuate vehicle speed.

b. Applicant argues that DeZorzi does not teach or suggest setting a tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare, and a pending spare. DeZorzi further fail to teach or suggest setting the tire status corresponding to a tire identification number to a rolling status, a pending rolling status, a spare, and a pending spare in response to a timer and a vehicle speed. Examiner does not agree. DeZorzi discloses each tire being identified with a module corresponding thereto (col. 3, lines 10-22 and lines 45-67). DeZorzi further disclose the module status being updated in response to a timer, see figure 5.

c. Applicant argues that DeZorzi does not teach or suggest a countdown timer. Examiner does not agree. DeZorzi discloses the use of countdown timers, see figure 5 and col. 13, lines 5-48.

d. Applicant argues that DeZorzi does not explicitly teach or suggest setting a tire status based on the tire messages received. Examiner does not agree. DeZorzi discloses the tire conditioning module sensing the tire condition of the associated

vehicle tires. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tire condition sensed to set the tire status of the associated tire, see figure 5.

e. Applicant argues that DeZorzi does not disclose setting the tire status including saving the tire status in memory. Examiner does not agree. DeZorzi discloses the setting the tire status and saving the tire status in memory, see col. 8, line 64 through col. 9, line 26 and col. 6, lines 56-62.

f. Applicant argues that DeZorzi does not disclose a wake message being generated in response to spare tire motion. Examiner does not agree. DeZorzi discloses the spare tire status being reset in response to the spare tire achieving rolling status, see figure 5, steps 168 and 153.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tai T. Nguyen  
Examiner  
Art Unit 2632

February 3, 2005